

No. 22-_____

IN THE
Supreme Court of the United States

COURTNEY JOHNSON,
Petitioner,

v.

BEAUFORT COUNTY DEPARTMENT OF SOCIAL SERVICES, ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
NORTH CAROLINA SUPREME COURT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Rule 39 of the Rules of this Court, Petitioner hereby respectfully requests leave to proceed *in forma pauperis* in this matter. During both the trial and appellate stages of the proceedings below, Petitioner was appointed counsel based on her indigent status, pursuant N.C. Gen. Stat. §§ 7B-602(a) and 7B-1101.1(a), respectively. The undersigned was appointed to represent Petitioner on her appeal to the North Carolina Supreme Court. Copies of both the trial court appointment (which is redacted to conceal the juveniles' names) and the appellate court appointment are attached hereto.

Respectfully submitted,



BENJAMIN J. KULL
Counsel of Record
BJK LEGAL
PO Box 3805
Durham, NC 27702-3805
(919) 885-0535
benjamin@bjk.legal

Counsel for Petitioner

Dated: 18 November 2022

STATE OF NORTH CAROLINA

BEAUFORT County

File No.

17 JA 113 & 114

In The General Court Of Justice
District Court Division

IN THE MATTER OF

Name Of Juvenile(s)

[REDACTED]

Name Of Applicant

COURTNEY JOHNSON

Street Address Of Applicant

Permanent Mailing Address Of Applicant (if different than above)

Telephone Number Of Applicant

Full Social Security No.

- - - - -

☐ Has No Social Security No.

Type Of Case

☒ Abuse/Neglect/Dependency (A/N/D)

☒ Termination of Parental Rights (TPR)

☐ Post-DSS-Placement Review and Permanency Planning Hearings (Delinquent)

☐ Post-DSS-Placement Review and Permanency Planning Hearings (Undisciplined)

INSTRUCTIONS: Use this form when the applicant is a parent named in a juvenile petition to terminate the applicant's parental rights or alleges abuse, neglect or dependency, or where the applicant is a parent of a juvenile who was placed in the custody of the department of social services after being adjudicated delinquent or undisciplined.

I. ASSIGNMENT OR DENIAL OF COUNSEL

From the petition heard in this matter, it appears to the Court that the applicant named above is party to a proceeding listed in G.S. 7A-451(a)(12) or (14); or is the parent of a juvenile who was placed in the custody of the department of social services pursuant to G.S. 7B-2503(1)c. or G.S. 7B-2506(1)c.; and, from the affidavit made by the applicant, and from the inquiry made by the Court, which is documented in the record, it is determined that the applicant:

- ☐ 1. is financially able to provide the necessary expenses of legal representation; it is ORDERED that the applicant is not an indigent and his/her petition is denied. If this is an A/N/D or TPR case, the provisional counsel appointed by the Clerk of Superior Court is released.
- ☒ 2. is not financially able to provide the necessary expenses of legal representation; it is ORDERED that the applicant is an indigent and is entitled to the services of counsel as contemplated by law. If this is an A/N/D or TPR case, the provisional counsel appointed by the Clerk of Superior Court is ☒ confirmed. ☐ released.

Name Of Appointed Attorney (if applicable)

Kristie Stilton

Next Court Date

8-5-20

II. SIGNATURE OF JUDGE

Date

7-8-2020

Signature Of Judge

Kurt B. Mason

Material opposite unmarked squares is to be disregarded as surplusage.

**APPOINTMENT OF APPELLATE COUNSEL
BY THE PARENT DEFENDER**

IN THE MATTER OF:

J.C.J., J.R.J.

17 JT 113, 17 JT 114

Beaufort County

)
)
)
)
)
)

The respondent-appellant, **Courtney Johnson**, has given Notice of Appeal to the North Carolina Supreme Court from Dispositional Order (Best Interest Determination, Termination of Parental Rights) filed May 20, 2021 and the Adjudication Order (Termination of Parental Rights) filed October 22, 2020 in the District Court, and the District Court has appointed the Parent Defender as appellate counsel. The Parent Defender now appoints the attorney named below as appellate counsel for respondent, pursuant to Rule 3.1 A and 3.2 (d) of the Rules for Providing Legal Representation in Non-Capital Criminal Appeals and Non-Criminal Appeals promulgated by the Commission on Indigent Defense Services, amended effective September 21, 2018. A copy of the Appellate Entries is being transmitted to the appointed appellate counsel. The original of this Appointment Notice has been transmitted to the District Court-Juvenile Division for filing in that office.

Appointed Appellate Counsel:

KULL, BENJAMIN J.

Attorney at Law

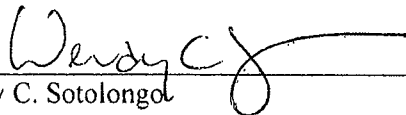
PO Box 3805

Durham, NC 27702-3805

(919) 885-0535

benjamin@bjk.legal

This the 3rd day of June 2021.



Wendy C. Sotolongo

Parent Defender

Office of the Parent Defender

123 West Main Street, Suite 308

Durham, North Carolina 27701

Telephone (919) 354-7230

Facsimile (919) 354-7231

Email wendy.c.sotolongo@nccourts.org

The Office of the Parent Defender has mailed a copy of this Appointment to the Juvenile Court Clerk, the respondent-mother (Johnson), the trial attorney for the respondent-mother (Stilton, via email to kristie@stiltonlaw.com), the appellate attorney for the respondent-mother (Kull, via email to benjamin@bjk.legal), the respondent-father (Johnson), the trial attorney for the respondent-father (Brandon, via email to tombrandon@suddenlink.net), the appellate attorney for the respondent-father (Wood, via email to petewood1965@gmail.com), the appellate attorney for the petitioner (Yeager, via email to yeager@ncappeals.net), the attorney for the juvenile(s) (Clark), and the transcriptionist (Rogers, via email to Shari.J.Rogers@nccourts.org).

ATTENTION CLERK OF COURT: Please file this Appointment in your office.